



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

STEPHEN CRANE
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SELECT BOARD FINANCE COMMITTEE APPOINTMENT STUDY GROUP SUB-COMMITTEE

Monday, January 9, 2023

2:30 p.m.

**Wayland Town Building; ZOOM; FULLY REMOTE
41 Cochituate Road, Wayland, MA**

Agenda

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are approximate.

One may watch or may participate remotely with the meeting link that can be found at
<https://www.wayland.ma.us/public-body-meeting-information-virtual-inperson-and-hybrid>

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted via remote participation. No in person attendance by members of the public will be permitted. This meeting may be recorded which will be made available to the public on WayCAM as soon after the meeting as is practicable.

- | | |
|--------|---|
| 2:30pm | 1. Call to Order |
| 2:31pm | 2. Review, discuss, and potential vote regarding: |
| | A. Draft report regarding Finance Committee appointments, and potential vote; |
| | B. Meeting minutes for 11.15.22 |
| | C. Establishment of the subcommittee's next meeting, if any; and |
| 3:00pm | Adjourn |



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SELECT BOARD

THOMAS J. FAY
ADAM G. GUTBEZAH
CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

REPORT OF THE FINANCE COMMITTEE APPOINTMENT STUDY GROUP SUB-COMMITTEE

To: Select Board
From: Finance Committee Appointment Study Group Sub-Committee
Date: January __, 2023

Fellow Members of the Select Board:

Please accept this document as the report of the Finance Committee Appointment Study Group Sub-Committee (hereinafter, the “Sub-Committee”). This report provides relevant background information concerning the appointment of Wayland Finance Committee members and the formation of the Sub-Committee. This report also offers an overview of the various appointment mechanisms utilized in the Commonwealth of Massachusetts and more specific information the Sub-Committee obtained from the Town Moderators of Bedford, Brookline, Ipswich, Marblehead, and Wenham. The Sub-Committee welcomes your questions, comments, and suggestions regarding this report and the next steps concerning the Select Board’s report for the forthcoming 2023 Annual Town Meeting (“ATM”) Warrant.

I. BACKGROUND

A. The Current Wayland Finance Committee Appointment Process

The Wayland Finance Committee is presently a seven-person committee with members serving staggered three-year terms. The Select Board currently serves the appointing authority to appoint individuals to the Wayland Finance Committee, including reappointment of persons wishing to serve another term and the filling of any vacancy that may occur. Section 19-1 of the Town Code provides the basis for this appointment process:

There shall be a committee called the “Finance Committee” appointed by the Select Board as hereinafter provided. Such committee shall consist of seven registered voters who shall serve without pay and none of whom during this or her service on such Committee shall hold elective or appointive Town office having to do with the appropriation or expenditure of Town money. Members shall serve terms of three years, such that the terms of two or three members shall expire each year. Appointment to fill unexpired terms shall be made by the Select Board as vacancies occur.

The Sub-Committee could not discern the origin of this appointment process. According to Wayland Town Moderator Dennis Berry, the language contained in Section 19-1 was originally adopted in 1935. See E-mail from Dennis Berry to Thomas Fay, et al., Nov. 14, 2022, attached hereto as **Exhibit A**.

The Select Board¹ previously retained the Edward J. Collins, Jr. Center for Public Management at the University of Massachusetts (hereinafter the “Collins Center”) to conduct a review of Wayland’s financial management structure and processes. In February 2018, the Collins Center published a report titled “Financial Management Structure Review: Town of Wayland, Massachusetts” (hereinafter the “Collins Center Report”).² The Collins Center noted that “Wayland is in a minority of towns where the Finance Committee is solely appointed by the Board of Selectmen,” and that this appointment structure results in “a bit of blurring in the branches of government in Wayland’s current budget process.” Collins Center Report, at 24. The Collins Center stated that a plurality of towns in Massachusetts “have the Finance Committee appointed by the Moderator,” and that a “small number” of towns “also have elected finance committees or hybrid committees with different members elected or appointed by different appointing authorities.” Id. The Collins Center stated further that “the Finance Committee is often viewed as being a legislative check on the executive branch.” Id. Within the “Findings and Recommendations” section of the Collins Center Report, the Collins Center recommended Wayland “[c]ontemplate whether the appointing authority of the Finance Committee should remain solely the Board of Selectmen, or whether it should be moved or made into a hybrid appointing authority.” Id. at 8.

B. Recent Proposals to Modify the Appointment Process

A petitioners’ article was included in the 2021 ATM Warrant proposing to modify the appointment process for the Wayland Finance Committee. Article 23, titled “Appointment of Finance Committee,”³ sought to amend Town Code § 19-1 to change the appointment authority from the Select Board to a new “Finance Committee Appointing Board” or “FCAB.” The FCAB would consist of two members: (1) the Town Moderator and the Chair of the Select Board. Article 23 ultimately failed to obtain the necessary majority vote after 229 Town Meeting members voted in its favor but 255 voted in opposition.⁴

¹ In 2018, the Select Board was referred to as the Board of Selectmen; however, this name formally changed upon enactment of Chapter 33 of the Acts of 2022, “An act creating Select Board-Town Manager form of government in the Town of Wayland” on or about March 16, 2022. For the sake of consistency, this report uses the term “Select Board,” which is the current name of the Board.

² This report may be accessed online via <https://www.mass.gov/doc/wayland-financial-management-structure/download>.

³ Article 23 of the 2021 ATM Warrant may be found on page 81 of the Warrant, which may be accessed online via https://www.wayland.ma.us/sites/g/files/vyhlf9231/f/pages/atm_warrant_2021_final_for_web.pdf.

⁴ Discussion of Article 23 at the 2021 ATM may be found on pages 20 through 22 of the Town of Wayland Minutes for 2021 ATM, which may be accessed online via <https://ecode360.com/WA1635/document/648328590.pdf>.

The following year, Town Moderator Dennis Berry proposed an article that was included in the 2022 ATM Warrant. Article 20, titled “Appointment of Finance Committee,”⁵ once again sought to amend Town Code § 19-1 to change the appointment authority from the Select Board to a newly formed FCAB; however, Article 20 contained two differences from Article 23 at the 2021 ATM. First, Article 20 stated the Chair of the Select Board would “serve in a personal capacity.” Second, Article 20 stated that the amendment to § 19-1 would not take effect until after “the next election of a Moderator.” During deliberation of Article 20, a motion was made, pursuant to Section IV(C)(7)(b) of the Moderator’s Rules and Regulations Governing Wayland’s Town Meetings, to refer the article to the Select Board for a further study by the Select Board with a written report to Town Meeting by ATM 2023. The motion passed with 144 Town Meeting members voting in favor and 100 members voting in opposition.⁶

C. Establishment & Work of the Sub-Committee

On August 8, 2022, the Select Board voted to establish the Sub-Committee and appoint Tom Fay and Adam Gutbezahl to serve on the Sub-Committee. The Select Board approved the following charge for the Sub-Committee:

The purpose of the Finance Committee Appointment Study Group Sub-Committee (the “Sub-Committee”) is to advise the Wayland Select Board with a recommendation for the process of appointing members of the Finance Committee.

Article 20 at the 2022 Annual Town Meeting, “Appointment of Finance Committee,” proposed a modification to the current process for appointing members to the Finance Committee. Pursuant to Section IV(C)(7)(b) of the Moderator’s Rules and Regulations Governing Wayland’s Town Meetings, Article 20 was referred to the Select Board for further study with a written report to Town Meeting by Annual Town Meeting 2023.

The Sub-Committee will report to the Select Board in order to inform the Select Board’s process of preparing and submitting a report for the 2023 Annual Town Meeting Warrant. The Sub-Committee’s report is due to the Select Board by January 31, 2023. The term end date for members of the Sub-Committee is March 1, 2023, unless extended by a Select Board.

The Sub-Committee held four meetings on September 6, September 28, October 26, and November 15, 2022. Over the course of three of these meetings, the Sub-Committee spoke with five former and current Town Moderators about their respective communities’ appointment processes and their opinions about alternative appointment methods. During the meeting held on October 26, 2022, the Sub-Committee also hosted a spirited discussion between two long-time Wayland residents – George Harris and Bill Steinberg – concerning past and future proposals to modify Wayland’s appointment mechanism.

⁵ Article 20 of the 2022 ATM Warrant may be found on page 75 of the Warrant, which may be accessed online via https://www.wayland.ma.us/sites/g/files/vyhli9231/f/uploads/2022_annual_town_meeting_warrant_with_cover.pdf.

⁶ Discussion of Article 20 at the 2022 ATM may be found on pages 34 through 37 of the Town of Wayland Minutes for 2022 ATM, which may be accessed online via <https://ecode360.com/WA1635/document/696132035.pdf>.

This report serves as an overview of the work conducted by the Sub-Committee. In the opinion of the Sub-Committee, it was not appropriate for it to provide the Select Board with a recommendation as to whether the current appointment process should be modified and, if so, in what manner it should change. Rather, the Sub-Committee wishes to provide the Select Board with an objective analysis of the information it obtained in order to allow the Select Board (not the Sub-Committee) to make the ultimate decision as to whether it wishes to report any recommendation to the 2023 Annual Town Meeting to amend Section 19-1 of the Town Code. The Sub-Committee hopes the following information will assist the Select Board in that forthcoming discussion and decision.

II. FINANCE COMMITTEE APPOINTMENT MECHANISMS

A. Overview of Various Appointment Mechanisms

Wayland Town Moderator Dennis Berry provided the Sub-Committee with the results of a survey conducted by the Massachusetts Moderators Association concerning the structure and appointment mechanisms for Finance Committees throughout the Commonwealth. The relevant portion of these survey results are attached hereto as **Exhibit B**. The survey listed information for 307 (or 87.5%) of the 351 municipalities in Massachusetts. Of these 307 municipalities, the survey provided information for a total of 149 towns and cities (or 42.5% of all municipalities in Massachusetts).

The survey results demonstrated varying selection processes are used throughout the Commonwealth; however, the majority of municipalities (87 in total) appoint the Finance Committee members by and through their Town Moderator. Seventeen communities, including Wayland, appoint members to their Finance Committee through the Select Board. At least three communities have both the Town Moderator and Select Board appoint a set number of Finance Committee members.⁷ A number of communities use a separate board of committee to appoint Finance Committee members, and these boards/committees typically include the Town Moderator, a member of the Select Board, and a third individual (often from the municipalities' Finance Committee). A handful of communities both elect and appoint members to the Finance Committee.

Wayland Town Moderator Dennis Berry also provided the Sub-Committee with information concerning the appointment process used by the Town of Rutland – a municipality for whom information was not supplied in the survey. In Rutland, the Moderator appoints members to the Finance Committee; however, these appointments are subject to ratification by the Select Board. *See E-mail from Dennis Berry to Thomas Fay, et al., Nov. 20, 2022, attached hereto as **Exhibit C**.*

The Sub-Committee notes that, to its knowledge, no municipality in the Commonwealth of Massachusetts utilizes the appointment mechanism proposed at the 2021 and 2022 ATM (i.e., a two-member committee consisting of the Moderator and Chair of the Select Board). The following tables provide an overview of the various appointment structures identified in the survey results:

⁷ For example, in Lynnfield, the Moderator appoints six members and the Select Board appoints five members. As another example, in Manchester-by-the-Sea, the Moderator appoints three members and the Select Board appoints four members.

Open Town Meeting Selection Processes

Appointed or Elected	Appointing Authority	Total Municipalities
Appointed	Moderator	73
	Select Board	17
	Moderator, Select Board Chair, and Finance Committee Chair	9
	Set number by Moderator and set number by Select Board	3
	Set number each by Moderator, Select Board, and Finance Committee	2
	Moderator, Select Board Member, and Finance Committee Member	2
	Moderator, Select Board Chair, and Past Finance Committee Chair	1
	Moderator, Finance Committee Chair, and Finance Director	1
	Moderator, Select Board Chair, and Town Clerk	1
	Select Board, School Department, and Assessors	1
	Moderator, Select Board Chair, and Trust Fund Commission Chair	1
Appointed / Elected	One-third appointed by Moderator, one-third appointed by Select Board, and one-third elected	2
	Four members appointed by Moderator and three members elected	1
	Moderator appoints Nominating Committee and members then elected	1
Elected	N/A	17

Representative Town Meeting Selection Processes

Appointed or Elected	Appointing Authority	Total Municipalities
Appointed	Moderator	15
Appointed / Elected	Nine members appointed by Moderator and eight members elected	1
Elected	N/A	2

B. Town Moderators' Perspectives on Appointment Mechanisms

In order to obtain more specific information about these various appointment mechanisms, the Sub-Committee spoke with five current and former Moderators. Each Moderator with whom

the Sub-Committee communicated came from municipalities using different appointment procedures. These different methods included: (1) appointment solely by the Moderator (i.e., Brookline); (2) appointment solely by the Select Board (i.e., Marblehead); (3) appointment by a committee consisting of the Moderator, Select Board Chair, and Finance Committee Chair (i.e., Bedford and Wenham); and (4) trifurcated selection with appointment of some members by the Moderator and some members by the Select Board, as well as election of other members (i.e., Ipswich). The following provides an overview of the information obtained from the Sub-Committee through these discussions.

1. Bedford (i.e., Appointing Committee)

On November 15, 2022, the Sub-Committee met with Mark Siegenthaler, the Town Moderator for the Town of Bedford. Mr. Siegenthaler was elected as Interim Town Moderator in the Fall of 2021 and was elected as Moderator in March 2022. The Moderator in Bedford serves a three-year term. Prior to serving as Moderator, Mr. Siegenthaler served on the Planning Board for eight years and as a member of the Board of Selectmen for 21 years. Mr. Siegenthaler has lived in Bedford for 40 years and does not recall Bedford having a contested election for Moderator while living there. Mr. Siegenthaler stated Bedford has a population of about 14,000, has an Open Town Meeting form a government, and that its Finance Committee has nine members.

Bedford appoints members to its Finance Committee through the Finance Committee Appointing Authority (the “FCAA”). The Chair of the Board of Selectmen, the Chair of the Finance Committee, and the Moderator all serve on the FCAA.⁸ The FCAA requires a unanimous vote in order for a person to be appointed to the Finance Committee. Mr. Siegenthaler stated this was a “unique structure,” and stated further, “I’m not sure I would recommend it.” Mr. Siegenthaler told the Sub-Committee about the FCAA’s experience in the Summer of 2022 and the attempt to fill two vacancies on the Bedford Finance Committee. The FCAA interviewed six or seven applicants; however, the FCAA failed to successfully appoint anyone for a significant period of time because the FCAA could not unanimously agree on any of the applicants. Mr. Siegenthaler also noted that the Chair of the Finance Committee serves in that position until he or she is replaced. According to Mr. Siegenthaler, this poses a potential issue because the Chair of the Finance Committee, as a member of the FCAA, ultimately participates in the decision as to whether or not he or she should be replaced.

Mr. Siegenthaler told the Sub-Committee that Bedford, as a community, has not considered a change to the appointment procedure. According to Mr. Siegenthaler, residents in Bedford do not seem to be concerned with the present structure. He believed, however, that there would be pushback to the suggestion that the Moderator become the only person to appoint individuals to the Finance Committee. He thought that the only change the FCAA may consider would be changing the quantum of vote to a majority vote (instead of unanimous) to appoint a person to the Finance Committee.

Mr. Siegenthaler believed that having the Chair of the Finance Committee “does allow someone to ask questions about a person’s experience and their interest in light of how the Finance Committee operates and what the current Chair thinks is a value additive.” The oddity with the FCAA, however, is that the Chair simultaneously serves on the FCAA and potentially requests

⁸ According to Mr. Siegenthaler, Bedford’s Charter and Bylaws prohibit an Interim Moderator from participating in the FCAA appointment process.

that same board to reappoint him or her to another term. Mr. Siegenthaler suggested some mechanism be implemented to prevent this potential conflict. Mr. Siegenthaler also noted that an argument could be made that the School Committee should participate in the appointment process in some way, and that perhaps this could be accomplished by having the Chair of the School Committee consult the Finance Committee as part of the appointment process.

2. Brookline (i.e., Appointed Solely by Moderator)

On September 28, 2022, the Sub-Committee met with Sandy Gadsby, the former Town Moderator for Brookline. Mr. Gadsby served as Brookline's Moderator for 27 years until he decided not to run for reelection in 2021. Mr. Gadsby won the seat in a contested election when he initially ran for Moderator and then went unopposed for the remainder of his tenure. Mr. Gadsby also served as a member of Brookline's Finance Committee for 12 years. The Brookline Finance Committee consists of a minimum of 20 and a maximum of 30 members. Brookline has a population of more than 50,000 and utilizes a Representative Town Meeting form of government.

The Moderator appoints members to the Brookline Finance Committee. Mr. Gadsby stated that the "tradition" in Brookline is to appoint new members to a one-year term and to reappoint members to either two- or three-year terms. The duration of the reappointment is done for the purpose of ensuring that one-third of committee members have their terms expire at the same time so that the composition of the committee serves staggered terms.

Since the appointment by just one person meant the selection process was not subject to the Open Meeting Law, the Sub-Committee asked Mr. Gadsby how Brookline handled concerns about transparency. Mr. Gadsby stated, "I thought it was my providence and if they didn't like it they could change the appointment process." Mr. Gadsby stated further that he came into increasing criticism to disclose his selection criteria and answer to Town Meeting members about the appointment process. In response, Mr. Gadsby created an advisory committee to assist in the process; however, this "sort of prompted my saying goodbye to" serving as Moderator. Mr. Gadsby told the Sub-Committee that there have been movements in Brookline to change the composition of the Finance Committee, but never the appointment method.

The Sub-Committee asked Mr. Gadsby for his opinion on a potential two-person appointing authority comprised of the Moderator and the Chair of the Select Board. Mr. Gadsby said he would oppose any involvement by the Select Board in the appointment process and could only endorse a process through which the Moderator has sole appointment authority. Mr. Gadsby stated that the Finance Committee's principal role is to advise Town Meeting. In Mr. Gadsby's opinion, Select Board participation in the appointment process was anathema and contrary to proper divisions of government. Mr. Gadsby said further that he thought it was "a terrible idea" to have Town Meeting elect members to the Finance Committee.

3. Ipswich (i.e., Appointed and Elected)

On September 28, 2022, the Sub-Committee met with Thomas Murphy, the Town Moderator for Ipswich. The Ipswich Finance Committee consists of nine members. Ipswich has approximately 15,000 residents and 11,000 registered voters. Ipswich utilizes an Open Town Meeting form of government.

Historically, the Moderator appointed members to the Ipswich Finance Committee; however, Ipswich revised its Charter in the 1960s to establish its current appointment procedure. Presently, three members of the Finance Committee are appointed by the Moderator, three members are appointed by the Select Board, and three members are elected at ATM. The seats are staggered so that each appointing authority appoints or elects one person each year. Mr. Murphy stated that the first article of every ATM Warrant is to elect a person to the Finance Committee. Mr. Murphy said there was previously a Citizen's Petition to change this appointment process to having all nine members appointed by ATM. A motion ultimately was made to study the issue; however, the result was for Ipswich to take no action on the petition.

Mr. Murphy stated that he "always been troubled" by this appointment structure and that, in his opinion, the Finance Committee becomes a "self-appointing body" because the same people consistently end up being reappointed. Mr. Murphy opined that he believes the best appointment process is having the Moderator appoint all nine members. When asked to address the concerns raised about a lack of transparency with this method, Mr. Murphy stated, "I think that transparency these days is way overrated," and that if ATM does not like who he appoints to the Finance Committee, then ATM can elect another person as Moderator. Mr. Murphy analogized having the Select Board appointing individuals to the Finance Committee to "having the fox guard the chicken coop."

4. Marblehead (i.e., Appointed Solely by Select Board)

On October 26, 2022, the Sub-Committee met with Jack Attridge, the Town Moderator for the Town of Marblehead. Mr. Attridge was elected as Moderator in 2022 and was previously appointed to several municipal organizations. Mr. Attridge stated he has regularly attended Town Meeting in Marblehead for 40 years. Mr. Attridge stated that in his 40 years participating in municipal government, there were just two moderators serving Marblehead before he was elected, and he recalled two contested elections for the position during that time. The Marblehead Finance Committee has nine members, with members serving staggered three-year terms. Mr. Attridge stated that Marblehead has about 25,000 residents and 16,729 registered voters. Marblehead as an Open Town Meeting form of government.

The Marblehead Select Board appoints people to the Finance Committee on an annual basis as terms end. Mr. Attridge stated there have not been discussions in Marblehead about changing this process. He noted, however, that he was "very intrigued" with pursuing changes to the appointment methods. Mr. Attridge said he liked the idea of having the appointment authority being taken away from just one board in the executive branch (i.e., the Select Board). Mr. Attridge believed that a committee consisting of three members would be the best way to appoint individuals to the Finance Committee; however, he was not sure who those three individuals should be.

5. Wenham (i.e., Appointing Committee)

On October 26, 2022, the Sub-Committee met with Roger Smerage, the Town Moderator for the Town of Wenham. Mr. Smerage was elected as Moderator in 2021. Mr. Smerage also served on a committee studying the potential expansion of the Wenham Select Board from three to five members. Mr. Smerage stated he was aware of just one contested election for Moderator, which occurred to replace the outgoing Moderator who served for almost 40 years. The Wenham

Finance Committee is a five-member committee. Members serve three-year terms, and a two-term limit is imposed for members. Mr. Smerage stated that Wenham has a population of a little over 5,000 with approximately 3,000 registered voters. Wenham has an Open Town Meeting form of government.

Wenham appoints members to its finance committee through the Finance Committee Appointing Committee (“the “FCAC”). The Chair of the Select Board, the Chair of the Finance Committee, and the Moderator all serve on the FCAC. A simple majority vote is needed for an individual to be appointed to the Finance Committee. Mr. Smerage stated the FCAC has engaged in robust discussion and debate about potential candidates. Mr. Smerage characterized the FCAC as “a very good process.” He described it as “deliberative” and “collegial,” and that this framework invites discussion and debate between the branches of government.

Mr. Smerage stated there have not been discussions in Wenham about changing the appointment method. Mr. Smerage noted that, historically, the Moderator possessed sole authority to appoint people to Finance Committees and acknowledged that the vast majority of communities in Massachusetts maintain that model. Mr. Smerage stated that he sees issues with having the Select Board solely responsible for appointment to the Finance Committee because the role of the Finance Committee is to advise the legislature (i.e., Town Meeting).

The Sub-Committee asked Mr. Smerage for his thoughts about a potential two-person appointing authority comprised of the Moderator and the Chair of the Select Board. Mr. Smerage opined that this proposal was “a recipe for disaster” and was “just inviting deadlock.” Mr. Smerage believed having a three-person appointing committee is appropriate, and that the Chair of the Finance Committee is the logical choice for the third seat.

III. CONCLUSION

The Sub-Committee recommends the Select Board consider submission of the report appended hereto as **Exhibit D** for the 2023 ATM Warrant. As part of finalizing the proposed report, the Sub-Committee further recommends the Select Board discuss the following topics:

- 1) Whether the Select Board should include in its report to Town Meeting a recommendation regarding the appointment process for Finance Committee members; and
- 2) If the Select Board’s report includes a recommendation, then whether the recommendation is to:
 - a) Maintain the current appointment process; or
 - b) Modify the current appointment process and, if so, in what manner.

The Sub-Committee wishes to thank Jack Attridge, Sandy Gadsby, Thomas Murphy, Mark Siegenthaler, and Roger Smerage for their willingness to meet with the Sub-Committee and their dedication to serving their respective communities. The Sub-Committee also thanks Town Moderator Dennis Berry for providing information to assist the Sub-Committee in completing its charge, as well as to Wayland residents George Harris and Bill Steinberg for their spirited discussions concerning the appointment process for the Wayland Finance Committee.

Adam G. Gutbezahl

From: Berry, Dennis <dberry@wayland.ma.us>
Sent: Monday, November 14, 2022 6:10 PM
To: Fay, Thomas; Gutbezahl, Adam
Cc: 'George Harris'
Subject: Fin Com Appointment Committee

Dear Tom and Adam,

I note that your Finance Committee Appointment subcommittee will be meeting tomorrow night, the 15th. As you can well imagine, I have viewed each of your meetings either live or later via Waycam. Unfortunately, I will be unable to zoom in tomorrow night as I have another meeting which I must attend.

I note from your agenda that you will be considering meeting with other officials, including other moderators. As I have said on several occasions, please do not hesitate to contact me if I can be of any assistance in your deliberations. For example, if you need any introduction to other moderators, I would be more than happy to help set up any meetings. I believe you have the information which I provided that should have all the telephone and e-mail addresses for just about all members of the MMA. Unfortunately, we have recently found the some of those e-mail addresses are not up to date.

I also note that you will be looking into the background of the current by law which according to the town's compilation of bylaws was originally adopted in 1935. It would of course be great if there was a full record of the deliberations that originally had this bylaw passed along with any amendments along the way, however, I doubt search records exist.

Even though I have been in Wayland for a long time, I certainly do not go back to 1935. Nevertheless, I do have anecdotal recollections from the late 50s when I first started to become cognizant of town affairs. The best I could say from that period is that Wayland was a very different place back in the 50s than it is now. I believe that difference is important in considering the role of the Finance Committee in the past, how it was originally appointed and why that structure is no longer applicable.

At the Mass. Moderators Annual Meeting a week ago, I had the opportunity to thank in person each of the four moderators with whom you have spoken. Each expressed their pleasure and thanks for the opportunity to discuss these matters with you. You certainly made a good impression.

During the MMA meeting, I raised the issue of the appointment process with other moderators both in general conversations and in a roundtable discussion in which I participated regarding Finance Committee appointments. I was hoping for more discussion of how finance committees are appointed but since most are appointed solely by the moderator there wasn't much discussion of alternatives, although I did get some anecdotes. Two things came out of that round table that you might find interesting: (i) the issues of separation of powers, which is our main issue, is the main reason why in so few cases the selectman appoint the Finance Committee, so by focusing on it, we are on the right path; and; (ii) most discussion is not how the Finance Committee is appointed, but rather trying to find qualified people willing to take on the role. Among the conversations I did have were with the moderators from Weston, Sudbury and Concord, our adjoining towns, all of whom have open town meetings.

Again, anything I can do to facilitate your discussions, do not hesitate to call.

Best wishes for continued good luck in your deliberations.

Dennis

Revised as of:		11-Mar-21		TOWN INFORMATION										FINANCE INFORMATION									
Municipality	O=Open R=Rep T=Council	Quorum Req'd	Population 2016	Registered Voters 2019	Percent Registered	Population 2020	Registered d Voters 2020	Percent Registered	Comments	Municipal Budgets 2018	Per Capita Expend	Moderat or Term (yr)	Name of Committee	Size	Appointed/Elected	Appointed Comments	Member Terms	Mid-term fillin appoint	Committee Meetings	Notes	Updated		
Ablington	O	150	16,227	11,822	73%					49,539,000	3,053	3	Finance Committee	9	Appointed	Town Moderator	3 Years						
Acton	O	0	23,549	15,252	65%					91,571,000	3,889	1	Finance Committee	9	Appointed	Town Moderator	3 Years	Bylaw - Moderator		Gavel Line	11-Mar-2021		
Acushnet	O	75	10,477	7,339	70%					27,385,000	2,614	3									23-Oct-2020		
Adams	R	85	8,187	5,948	73%	9,316				15,558,000	1,900	1	Finance Committee	15	Appointed	Town Moderator	3 Years		Monthly - approximately				
Akwamut	T	Majority	28,839	20,827	72%					88,988,000	3,086												
Alford	O	15	495	393	79%	507				1,609,000	3,251	1											
Amherst	T	#N/A	39,833	17,683	44%				324 reos	73,709,000	1,850	1											
Andover	O	0	35,299	23,864	68%		30,000			143,794,000	4,074	1	Finance Committee	9	Appointed	Town Moderator	3 Years			email	25-Nov-2020		
Aquinnah	O	38	328	363	111%					4,616,000	14,073	3											
Arlington	R	62 for meeting, 87 for bonding and 2/3rds votes	44,815	30,839	69%		31,260			140,601,000	3,137	3	Finance Committee	21	Appointed	Town Moderator, Ch BOS, Ch Bd of Trust Fund Commissioners	3 years		Monthly Oct. - Jan. then biweekly Jan. through May	email	23-Oct-2020		
Ashburnham	O	0	6,209	4,335	70%					15,758,000	2,538	1											
Ashby	O	50	3,226	2,368	73%					7,374,000	2,286	3											
Ashfield	O	0	1,723	1,347	78%	1,737				4,627,000	2,685	1											
Ashland	O	25	17,573	11,305	64%					57,237,000	3,257	3	Finance Committee	7	Appointed	Town Moderator							
Athol	O	362	11,654	6,833	59%				10% of registered Voters	19,373,000	1,662	1	Finance and Warrant Advisory Committee	7	Appointed	Town Moderator	3 Years		Monthly				
Auburn	R	80	16,516	11,625	70%					54,715,000	3,313	1											
Avon	O	75	4,498	3,243	72%					24,157,000	5,391	3	Finance Committee	6	Appointed	Town Moderator	3 Years		once a month/when needed				
Ayer	O	50	8,001	5,530	69%					25,346,000	3,168	3	Finance Committee	5	Appointed	Board of Selectmen	3 Years		twice monthlv				
Barnstable	N	Mayor	44,331	32,403	73%					148,118,000	3,341	#N/A											
Barre	O	50	5,496	3,624	66%					11,288,000	2,054	3	Finance Committee	3	Appointed	Town Moderator	3 Years	Bylaw - Moderatr	Bi-weekly (Weekly Jan thru May)	Gavel Line	11-Mar-2021		
Becket	O	20	1,762	1,472	84%	1,850				5,820,000	3,303	3	Finance Committee	5	Elected	Elected	various		monthlv				
Bedford	O	100	14,171	9,788	69%					86,627,000	6,113	3	Finance Committee			Appointed				unanimous vote			
Belchertown	O	75	14,929	10,447	70%					48,254,000	3,232	3											
Bellingham	O	0	16,891	10,974	65%					51,609,000	3,020	3											
Belmont	R	18	25,584	17,274	68%					93,891,000	3,670	1											
Berkley	O	100	6,658	4,666	70%					18,007,000	2,705	3	Finance Committee	7	Appointed	Town Moderator, Ch BOS, Ch Fin Com	3 Years	Bylaw - Appoint authority	Once a month	Gavel Line	11-Mar-2021		
Berlin	O	0	3,020	2,313	77%	3,276	2,565	78%		12,915,000	4,276	1	Finance Committee	5	Appointed	Town Moderator	3 Years	2 times a month, except during the summer		email	1-Dec-2020		
Bernardston	O	0	2,101	1,589	76%	2,129				5,015,000	2,387	3	Finance Committee	5	Appointed	Town Moderator	3 Years			email	17-Nov-2020		
Billerica	R	121	42,683	27,857	65%					135,369,000	3,171	3	Finance Committee	13	Appointed	Town Moderator	3 Years						
Blackstone	O	50	9,104	6,064	67%					20,553,000	2,258	1											
Blandford	O	Moderator determines	1,259	870	69%					3,248,000	2,580	3	Finance Committee	4	Appointed	Board of Selectmen	3 Years		As needed	Member list	25-Nov-2020		
Bolton	O	75	5,180	3,986	77%					22,994,000	4,439	1	Finance Committee			Appointed							
Bourne	O	125	19,681	13,781	70%	19,754			125 to start meeting 100 to keep meeting going	58,799,000	2,988	1	Finance Committee	12	Appointed	Town Moderator							
Boxborough	O	0	5,206	3,731	72%	5,400				20,500,000	3,938	1	Finance Committee	9	Appointed	Town Moderator	3 years	Bylaw - Moderator		Gavel Line	11-Mar-2021		
Boxford	O	50	8,253	6,234	76%					33,011,000	4,000	1											
Boylston	O	100	4,534	3,589	79%				100 = Annual 25 = Specials	15,589,000	3,438	3											
Braintree	N	Mayor	37,497	26,105	70%					123,911,000	3,305	#N/A											
Brewster	O	200	9,918	7,781	78%	11,000				38,711,000	3,903	1											
Bridgewater	T	#N/A	27,628	16,600	60%					52,891,000	1,914	#N/A											
Brimfield	O	50ATM, 25STM	3,741	2,682	72%				50 = Annual 25 = Socials	9,921,000	2,652	1	Finance Committee			Appointed			Board of Selectmen		email	17-Nov-2020	
Brookfield	O	30	3,411	2,329	68%					7,841,000	2,299	1											
Brookline	R	125	59,195	36,877	62%				50% + 1 of 248 reps	292,000,000	4,933	3	Advisory Committee	30	Appointed	Town Moderator	3 years		full committee Tues + Thur. nights late sept - early Nov. and late Jan. - late May plus sub com. meetings	email	9-May-2018		
Buckland	O	7	1,864	1,307	70%	1,902				4,436,000	2,380	1											
Burlington	R	64	25,920	17,485	67%					123,261,000	4,755	1	Ways and Means Committee	15	Appointed	Town Moderator	3 Years	Tradition - Moderator (FinCom can act as moderator doesn't)	weekly Jan-June; bi-weekly or monthly as needed.	Gavel Line	11-Mar-2021		
Canton	O	0	22,817	16,400	72%					78,309,000	3,432	1											
Carlisle	O	150	5,245	3,847	73%	5,317				28,934,000	5,516	3	Finance Committee	7	Appointed	Board of Selectmen	3 Years		Varies, minimum 1/month; Avg. 2/month	Member list	25-Nov-2020		
Carver	O	75	11,629	7,997	69%				150= all bonded indebtedness. 75 = all other business	38,587,000	3,318	3											
Charlemont	O	10	1,234	925	75%	1,360				3,437,000	2,785	1	Finance Committee	5	Appointed	Town Moderator	3 Years		Once a month	email	17-Nov-2020		
Charlton	O	0	13,406	9,687	72%					26,791,000	1,998	3											
Chatham	O	100	6,143	5,620	91%					42,348,000	6,894	3	Finance Committee	9	Appointed	Town Moderator	3 Years		Weekly during budget season, as needed otherwise				
Chelmsford	R	majority	35,149	24,540	70%					125,835,000	3,580	3											
Cheshire	O	50	3,158	2,361	75%	3,235				5,577,000	1,766	1											
Chester	O	10	1,372	880	64%					3,176,000	2,315	1	Finance Committee	6	Appointed	Town Moderator	1 Year		Weekly (January - March)	email	17-Nov-2020		
Chesterfield	O	20	1,249	903	72%					3,318,000	2,657	3	Finance Committee	7	Appointed	Town Moderator	3 Years		Monthlv (except thru budset season)	email	4-Nov-2020		
Chilmark	O	25	913	931	102%	945				10,191,000	11,162	3											
Clarksboro	O	0	1,659	1,146	69%	1,702				4,445,000	2,679	1	Finance Committee	3	Appointed	Town Moderator	3 Years			email	18-Nov-2020		
Clinton	O	200	13,805	9,325	68%					42,811,000	3,101	1											
Cohasset	O	100	8,393	5,981	71%					43,083,000	5,133	3											
Colrain	O	0	1,647	1,171	71%	1,700				3,988,000	2,421	3	Finance Committee	7	Appointed	Town Moderator	2 years						
Concord	O	0	19,830	13,210	67%					100,680,000	5,077	1	Finance Committee	15	Appointed	Town Moderator	3 years (2 term max)	Tradition - Moderator	Monthlv, except during Budget season	Gavel Line	11-Mar-2021		
Conway	O	25	1,881	1,507	80%	1,897				5,734,000	3,048	1											
Cummington	O	15	871	642	74%	872				2,289,000	2,628	1											
Dalton	O	0	6,671	4,474	67%	7,000				14,972,000	2,244	1											
Danvers	R	50% + 1	27,849	20,716																			

Freetown	T	50% + 1	33,147	23,175	70%		50 = Annual 10 = Special	114,900,000	3,466	#N/A	3 Finance Committee	7 Elected	Elected	3 Years	as needed	vacancies filled by the BOS until the next election	1-Oct-2020	
Georgetown	O	100	8,584	6,107	71%			29,792,000	3,471	3								
Gill	O	0	1,492	1,076	72%	1,600		3,066,000	2,055	3								
Goshen	O	25	1,070	736	69%			2,558,000	2,391	1	Finance Committee	4 Elected	Elected	3 Years	Once a month			
Gosnold	O	0	77	120	156%	351		1,355,000	17,597	@ mtg	Finance Committee	1 Appointed BOS	Same as Treasurer		email	23-Oct-2020		
Grafton	O	0	18,540	12,790	69%			56,830,000	3,065	3	Finance Committee	9 Appointed	Town Moderator	3 Years	Generally once a month, more for town meetings.			
Granby	O	30	6,352	4,536	71%			17,517,000	2,758	3								
Granville	O	25	1,622	1,164	72%			3,634,000	2,240	1								
Great Barrington	O	100	6,907	4,707	68%	7,004		25,626,000	3,710	1								
Groton	O	0	11,296	7,500	66%			35,960,000	3,183	3		Appointed	Board of Selectmen		potential change			
Groveland	O	100	6,750	5,122	76%			16,264,000	2,409	1								
Hadley	O	100	5,352	3,859	73%			16,417,000	3,067	1	Finance Committee	5 Appointed	Town Moderator	3 Years	Tradition - Moderator	Gavel Line	11-Mar-2021	
Halifax	O	100	7,834	5,688	73%			22,013,000	2,810	3								
Hamilton	O	75	8,179	5,734	70%			28,781,000	3,519	1	Finance Committee	5 Appointed	Town Moderator (3), SB (2)	3 Years	Tradition - appoint authority	Gavel Line	11-Mar-2021	
Hampden	O	50	5,223	3,834	73%			13,132,000	2,514	1								
Hancock	O	0	710	487	69%	717		1,622,000	2,285	1	Finance Committee	3 Elected		3 Years		email	17-Nov-2020	
Hanover	O	100	14,424	10,463	73%		100 Opening Night 50 thereafter	59,619,000	4,133	1	Advisory Committee	9 Appointed	Town Moderator	3 Years	Weekly during January through mid may	Gavel Line	11-Mar-2021	
Hanson	O	100	10,630	7,439	70%			23,518,000	2,212	3								
Hardwick	O	0	3,008	1,765	59%			5,268,000	1,751	1								
Harvard	O	50	6,573	4,295	67%			24,357,000	3,766	1								
Harwich	O	150	12,180	10,631	87%	12,243		61,590,000	5,057	3								
Hartfield	O	85	3,298	2,581	78%	3,406		9,227,000	2,798	3	Finance Committee	5 Appointed	Town Moderator	3 Years	Tradition - Moderator	6 or more times	Gavel Line	11-Mar-2021
Hawley	O	10	331	254	77%	337		1,015,000	3,066	1	Finance Committee	5 Appointed	Town Moderator	3 Years	Monthly	email	19-Jan-2021	
Heath	O	40	693	530	76%	805	The greater of 40 persons or 10% of registered voters	2,172,000	3,134	3								
Hingham	O	200	23,120	17,411	75%			100,680,000	4,355	1	Advisory Committee	15 Appointed	Town Moderator	3 Years		Tradition: 2 terms		
Hinsdale	O	12	1,959	1,355	69%	2,023		4,957,000	2,530	3								
Holbrook	R	121	11,050	7,418	67%		240 reps	39,055,000	3,534	3								
Holden	O	1%	18,645	13,777	74%			48,392,000	2,590	1								
Holland	O	25	2,506	1,831	73%			6,764,000	2,699	3								
Holliston	O	100	14,525	10,459	72%	14,800		57,427,000	3,954	3								
Hopedale	O	50	5,955	4,037	68%	6,000		23,157,000	3,889	3	Finance Committee	5 Appointed	Board of Selectmen	3 years	Tradition - SB	as needed	Gavel Line	11-Mar-2021
Hopkinton	O	100	16,674	11,842	71%		1% of Reg Voters	77,823,000	4,667	3								
Hubbardston	O	50	4,596	3,299	72%			8,582,000	1,867	3								
Hudson	O	150	19,864	13,262	67%			74,585,000	3,755	1	Finance Committee	9 Appointed	Town Moderator, Ch BOS, Ch Fin Com	3 Years	As required prior to two town meetings			
Hull	O	0	10,491	9,006	86%			39,227,000	3,739	3								
Huntington	O	25	2,181	1,510	69%			4,754,000	2,180	1								
Ipswich	O	200	13,804	10,868	79%			49,614,000	3,594	1	Finance Committee	9 Appt/Elect	3ea: Moderator, BOS, ATM			FC typically selects ATM candidate		
Kinoston	O	100	13,301	9,562	72%			46,354,000	3,485	3								
Lakeville	O	100	11,338	8,166	72%			26,152,000	3,207	1								
Lancaster	O	0	8,166	5,087	62%		5% total voters at last state election annual (106)	20,266,000	2,482	1	Finance Committee	5 Elected		3 Years		email	17-Nov-2020	
Lanesborough	O	106	2,991	2,229	75%		10% special (211) 3011 x 70% est = 2107	11,581,000	3,872	1								
Lee	R	majority	5,816	4,137	71%	5,943		19,268,000	3,313	1								
Leicester	O	50	11,334	7,318	65%			29,025,000	2,561	3								
Lenox	O	100	4,988	3,615	72%	5,800		20,462,000	1,102	1								
Leverett	O	65	1,845	1,477	80%	1,851	5% = Annual 2.5% = Specials Est Reg Vot @ 70% = 1296 5% = 65	6,161,000	3,339	3								
Lexington	R	50	33,394	21,609	65%			199,594,000	5,977	1								
Levden	O	0	713	574	81%			1,578,000	2,213	1								
Lincoln	O	100	7,491	4,683	63%			33,566,000	4,481	3								
Littleton	O	0	9,912	7,150	72%			43,452,000	4,384	1	Finance Committee	7 Appointed	Selectmen - 2, School Dept - 2, Assessors - 1	Approximately 20 times per year	email	17-Nov-2020		
Longmeadow	O	50	15,898	11,357	71%			57,243,000	3,601	3	Finance Committee	7 Appointed	Town Moderator, Ch Fin Com, Fin Dir	3 Years	Monthly +			
Ludlow	R	#N/A	21,472	13,642	64%			65,011,000	3,028	3								
Lunenburg	O	50	11,241	7,799	69%			37,799,000	3,363	3								
Lynnfield	O	175	12,761	9,062	71%			55,115,000	4,419	1	Finance Committee	11 Appointed	Moderator: 6. BOS: 5	3 Years				
Manchester-by-the-Sea	O	100	5,366	4,153	77%			28,377,000	5,288	1	Finance Committee	7 Appointed	Moderator: 3. BOS: 4	3 Years	Once a week during budget	email	25-Nov-2020	
Manchester	O	200	23,687	16,922	71%			92,875,000	3,921	3								
Marblehead	O	300	20,517	15,415	75%			80,449,000	3,921	1	Finance Committee	9 Appointed	Board of Selectmen	3 years	25-30 meetings per year			
Marion	O	50	5,086	4,019	79%	5,200		21,705,000	4,268	1								
Marshfield	O	0	25,709	19,889	77%			91,931,000	3,576	3								
Massapee	O	0	14,154	11,001	78%		zero for Annual 100 for Special	56,560,000	3,996	3								
Mattapoisett	O	50	6,267	5,237	84%			25,994,000	4,148	1	Finance Committee	6 Appointed	Board of Selectmen	2 Years	Tradition - Moderator	Weekly September through May		
Maynard	O	75	10,676	7,801	73%			41,630,000	3,899	3	Finance Committee	7 Appointed	Town Moderator	3 Years (2ea@year1, 2ea@years2 3ea@year3)	Tradition - Moderator (FinCom can act as moderator doesn't)	Bi-weekly (Weekly Jan thru May)	Moderator fills vacancies within 8 wks. FinCom can appoint to fill vacancy after 8 wks	11-Mar-2021
Medfield	O	50	12,718	8,644	68%	12,877		59,572,000	4,684	1	Warrant Committee	9 Appointed	Town Moderator	3 Years				
Medway	O	0	13,253	9,589	72%			50,678,000	3,824	3								
Mendon	O	150	6,024	4,392	73%	6,300	Soical only	18,320,000	3,041	1								
Merrimac	O	100	6,800	4,958	73%			15,266,000	2,245	1								
Middleborough	O	150	24,350	16,715	69%			76,046,000	3,123	3	Finance Committee	7 Elected	Board of Selectmen	3 Years	Approx. once per week			
Middlefield	O	12	527	353	67%			1,362,000	2,584	1								
Middleton	O	100	9,738	6,573	67%			34,619,000	3,555	1								
Milford	R	134	28,614	17,366	61%			97,709,000	3,415	3								
Millbury	O	100	13,537	9,468	70%			40,173,000	2,968	3								
Millis	O	4%	8,169	6,154	75%			30,399,000	3,721	1								
Millville	O	40	3,234	2,152	67%			6,232,000	1,927	3	Finance Committee	5 Appointed	Town Moderator	3 Years (can be re- appointed)	Monthly or as needed	5/7/18 email		
Milton	R	145	27,374	20,708	76%			89,809,000	3,281	1	Warrant Committee	15 Appointed	Town Moderator	3 years, but can be extended	Tradition - Committee (Moderator proposes)	40 to 45 times per year.	Gavel Line	11-Mar-2021
Monroe	O	5	120	81	68%	121		963,000	8,025	1								
Monson	O	50	8,789	5,799	66%			25,516,000	2,903	3								
Montague	R	50% + 1	8,272	6,018	73%	8,437		19,341,000	2,338	3	Finance Committee	7 Appointed	Town Moderator	3 Years (can be re- appointed)	Tradition - Moderator	Weekly Budget, Monthly otherwise	email	11-Mar-2021
Monterey	O	15	948	676	71%	961		4,214,000	4,445	1								
Montgomery	O	#N/A	859	600	70%			1,726,000	2,009	1								
Mount Washington	O	0	163	129	79%			799,000	4,902	1	Finance Committee	5	5 Town Moderator	3 year, 2 year, 2 year, 1 year, 1 year	3 times per year	email	5-Jan-2021	
Nahant	O	0	3,485	2,662	76%		75	10,960,000	3,145	1	Finance Committee	9 Appointed	Town Moderator			email	1-Dec-2020	
Nantucket	O	0	10,925	8,920	82%		zero = Annual 5% = Special new appropriations 3% = Special for Transfers	66,783,000	6,113	1	Finance Committee		Appointed Board of Selectmen			potential change		
Natick	R	91																

Needham	R	majority	30,564	22,395	73%		147,632,000	4,830	3	Finance Committee	9	Appointed	Town Moderator		3 Years (renewable for one year at a time)	Weekly September through May	
New Ashford	O	0	225	194	86%	228	654,000	2,907	1								
New Braintree	O	50 ATM, 20STM	1,022	751	73%		2,313,000	2,263	3								
Newbury	O	40	6,971	5,231	75%		19,581,000	2,809	3								
New Marlborough	O	0	1,478	1,173	79%		5,856,000	3,962	1	Finance Committee	7	Apot/Elect	BOS: 1=Treasurer, Elect: 6	3 Years			
New Salem	O	9	999	749	75%		2,894,000	2,897	1	Finance Committee	3	Appointed	Town Moderator	3 Years			
Norfolk	O	0	11,908	7,234	61%		39,691,000	3,333	3	Finance Committee	9	Appointed	Town Moderator	3 Years		Often at budget time, rarely otherwise/ email	17-Nov-2020
North Andover	O	0	29,721	20,019	67%		93,558,000	3,148	3	Finance Committee	9	Appointed	Town Moderator	3 Years		new casual 2 term limit email	17-Nov-2020
North Attleborough	T	#N/A	29,071	19,861	68%		82,641,000	2,843	3								
Northborough	O	100	15,042	11,031	73%		57,655,000	3,833	1								
Northbridge	O	50	16,544	11,065	67%		43,209,000	2,612	1	Finance Committee		Appointed	Town Moderator				
North Brookfield	O	10	4,749	3,394	71%		12,573,000	2,648	3								
Northfield	O	#N/A	2,992	2,315	77%	3,000	8,367,000	2,796	3	Finance Committee	6	Appointed	Town Moderator	3 Years		Weekly Feb-April, Monthly remainder	
North Reading	O	0	15,636	10,940	70%		63,777,000	4,079	1								
Norton	O	0	19,468	12,574	65%		56,721,000	2,914	1								
Norwell	O	0	10,984	7,500	68%		53,965,000	4,913	1	Advisory Board	9	Appointed	Town Moderator, Selectman, AB member	3 Years			
Norwood	R	127	29,095	20,147	69%		128,408,000	4,413	1	Finance Commission	5	Elected	Elected	3 Years		Varies	
Oak Bluffs	O	100	4,677	3,802	81%		30,444,000	6,509	3								
Oakham	O	10	1,929	1,312	68%		3,766,000	1,952	3								
Orange	O	75	7,651	4,843	63%	7,839	20,357,000	2,661	1								
Orleans	O	200	5,846	5,265	90%	5,890	33,482,000	5,727	1								
Otis	O	15	1,576	1,113	71%		6,113,000	3,879	1	Finance Board	3	Elected	Elected	3 Years		on call - 48 Hour notice.	
Oxford	O	100	13,916	9,083	65%		38,217,000	2,746	3	Finance Committee		Appointed	Town Moderator				
Palmer	T	4	12,191	8,205	67%		33,221,000	2,725	#N/A								
Paxton	O	50	4,884	3,243	66%		12,901,000	2,641	3	Finance Committee	9	Appointed	Town Moderator	3 Years		Weekly during budget season, and as needed.	
Pelham	O	0	1,330	1,041	78%	1,500	4,355,000	3,274	3	Finance Committee	7	Appointed	Town Moderator	3 Years		Once a month	17-Nov-2020
Pembroke	O	150	18,273	12,985	71%	18,549	61,901,000	3,388	1	Advisory Committee	9	Appointed	Town Moderator, BOS and AdCom	3 Years		As Needed	4-Nov-2020
Pepperell	O	75	12,165	8,242	68%		25,533,000	2,099	3	Finance Committee	7	Appointed	Board of Selectmen	2 years		2 times per month as needed	
Peru	O	0	845	636	75%	847	2,095,000	2,479	3	Finance Committee	5	Appointed	Elected	3 Years			19-Jan-2021
Petersham	O	10%	1,246	947	76%		3,759,000	3,017	3	Advisory & Finance Committee	5	Appointed	Town Moderator	3 Years		email	2-Oct-2020
Philliston	O	0	1,747	1,205	69%		3,754,000	2,149	3	Finance Committee	7	Appointed	Town Moderator	3 Years		email	17-Nov-2020
Plainfield	O	25	652	469	72%		1,940,000	2,975	1								
Plainville	O	60	9,057	6,424	71%		34,451,000	3,804	3	Finance Committee	7	Appointed	Town Moderator, Ch BOS, Ch Fin Com	3 Years		Weekly during Budget; Monthly otherwise	11-Mar-2021
Plymouth	R	90	58,890	42,456	72%		190,388,000	3,233	3	Advisory & Finance Committee	15	Appointed	Town Moderator	3 years		monthly and TM)	
Plympton	O	35	2,917	2,244	77%		11,114,000	3,810	3								
Princeton	O	83	3,470	2,755	79%		9,652,000	2,782	1								
Provincetown	O	100	2,968	2,679	97%		26,587,000	9,958	3								
Randolph	T	#N/A	33,699	20,874	62%		95,533,000	2,835	#N/A								
Raynham	O	50	13,797	11,796	85%		39,206,000	2,842	3	Finance Committee	7	Appointed	Board of Selectmen	5 years		Monthly Scheduled weekly During March/April	
Reading	R	97	25,704	19,847	77%		91,078,000	3,543	1	Finance Committee	9	Appointed	Town Moderator, Ch BOS, Ch Fin Com	3 Years		9 yr term limit	
Rehoboth	O	90	12,008	9,139	76%		26,597,000	2,215	1								
Richmond	O	30	1,429	1,141	80%	1,650	5,922,000	4,144	1	Finance Committee	5	Elected	Elected	3 Years		When needed, Approx. 8 times a year	
Rochester	O	#N/A	5,494	4,484	82%		20,886,000	3,802	1								
Rockland	O	150	17,832	12,044	68%		58,418,000	3,276	3								
Rockport	O	0	7,206	5,736	80%	7,500	29,111,000	4,040	3	Finance Committee	9	Appointed	Board of Selectmen	3 years		Weeklv during April: Monthlv otherwise	17-Nov-2020
Rowe	O	15	383	279	73%	393	3,773,000	9,851	3								
Rowley	O	100	6,285	4,792	76%		16,862,000	2,683	3	Finance Committee	7	Appointed	Town Moderator	3 years		email	1-Dec-2020
Royalston	O	1	1,274	911	72%		2,367,000	1,858	3								
Russell	O	#N/A	1,787	1,161	65%		4,170,000	2,334	1								
Rutland	O	10	8,527	6,260	73%		20,732,000	2,431	1								
Salisbury	O	125	9,261	6,364	69%		25,326,000	2,735	3								
Sandisfield	O	#N/A	910	582	64%		3,330,000	3,659	1	Finance Committee	5	Appointed	Town Moderator	3 years		on demand during year; bi-monthly during budget time.	
Sandwich	O	0	20,445	15,568	76%	23,000	76,945,000	3,764	3	Finance Committee	9	Elected	Town Moderator	3 years		weekly Jan- April, and then as needed	
Sausus	R	50% + 1	27,994	18,264	65%		82,885,000	2,961	2								
Savoy	O	#N/A	677	494	73%	692	1,996,000	2,948	1								
Scituate	O	0	18,478	14,492	78%		77,160,000	4,176	1								
Seekonk	O	75	14,968	10,398	69%		52,574,000	3,512	3	Finance Committee	7	Appointed	Town Moderator	3 Years		Monthly, except more often during budget season	
Sharon	O	0	18,173	12,583	69%		72,609,000	3,995	3	Finance Committee	11	Appointed/Elected	Town Moderator appoints Nominating Committee, then Elected from that slate	3 Years		email	1-Dec-2020
Sheffield	O	0	3,191	2,351	74%	3,453	9,937,000	3,114	1								
Shelburne	O	7	1,848	1,242	73%	1,893	4,444,000	2,405	1								
Sherborn	O	100	4,300	3,159	73%	4,510	27,263,000	6,340	1	Advisory Committee	9	Appointed	Town Moderator	3 Years	Bylaw - Moderator	Monthly, 3x monthly during budget season	2 + partial term limit (5/7/18 email) Vacancies filled by moderator (email)
Shirley	O	0	7,400	4,005	54%		13,935,000	1,883	3	Finance Committee	7	Appointed	Town Moderator	3 Years			17-Nov-2020
Shrewsbury	R	61	36,805	23,458	64%		114,326,000	3,106	3	Finance Committee	9	Appointed	Town Moderator	3 Years			
Shutesbury	O	9	1,764	1,416	80%	1,774	6,090,000	3,452	3	Finance Committee	7	Appointed	Town Moderator	3 Years		members can serve a maximum of 3 consecutive terms. email	3-Oct-2020
Somerset	O	0	18,288	12,985	71%		52,338,000	2,862	3	Finance Committee	9	Appointed	Town Moderator	3 years			
Southampton	O	#N/A	6,152	4,588	75%		16,452,000	2,674	1	Finance Committee	5	Elected	Elected	3 Years		Weeklv	
Southborough	O	100	10,038	7,205	72%		49,509,000	4,932	1								
Southbridge	T	5	16,865	10,884	65%		54,129,000	3,210	#N/A								
South Hadley	R	61	17,743	11,299	64%		42,231,000	2,437	3	Appororiation Committee	9	Appointed	Town Moderator	3 Years		bi-monthlv (except thru buoet season)	4-Nov-2020
Southwick	O	25	9,737	6,781	70%		21,912,000	2,250	3	Finance Committee	6	Appointed	Town Moderator	3 Years		Monthlv	
Spencer	O	100ATM, 50STM	11,810	7,710	65%		18,608,000	1,576	1								
Sterling	O	0	7,992	5,978	75%		23,823,000	2,981	3	Finance Committee	7	Appointed	Town Moderator, Selectman, Fincom member	3 years		weekly budget season, monthly otherwise	18-Jan-2021
Stockbridge	O	50	1,938	1,644	85%		9,598,000	4,953	3								
Stonham	O	0	22,002	16,132	73%		65,582,000	2,981	2	Finance Advisory Board	11	Appointed	Town Moderator	1-3 years, 9 years	Bylaw - Moderator	Monthly, weekly during budget season	Gavel Line
Stoughton	R	85	28,431	19,302	68%		88,447,000	3,111	1	Committee on Finance and Taxation	17	Appt/Elect	Town Moderator	1-3 years, 9 years		1 x a month if needed; 4-5 x a month during budget.	Member list
Stow	O	0	7,125	5,217	73%		29,104,000	4,085	3								
Sturbridge	O	0	9,514	7,007	74%		31,805,000	3,343	3	Finance Committee		Elected		3 Years			
Sudbury	O	100	18,874	12,													

Tyngsborough	O	100	2,007	1,852	92%		18,517,000	9,226	3	Appointed	Town Moderator					
Tyringham	O	0	12,267	8,796	72%		41,661,000	3,396	3	Finance Committee	5 Elected	Elected	3 years	Every 2 weeks, or as needed		
Uxbridge	O	10	325	351	108%	351	1,504,000	4,628	1							
Wakefield	O	40	7,725	5,570	72%		21,887,000	2,833	1							
Wales	O	50	13,892	9,902	71%		44,639,000	3,213	3	Finance Committee	7 Apot/Elect	Town Moderator: 4. Elect: 3	3 years	Monthlv (exceot thru budcet season)	5/7/18 email	
Walpole	O	0	26,847	18,624	69%		83,721,000	3,118	1	Finance Committee	15 Appointed	Town Moderator, Ch BOS, past Ch Fin Com	3 Years			5-Jan-2021
Ware	O	30	1,899	1,243	65%		4,455,000	2,346	1							
Wareham	R	76	25,102	18,035	72%		88,201,000	3,514	1	Finance Committee	15 Appointed	Town Moderator	3 Years	As needed		
Warren	O	100	9,888	6,371	64%		29,555,000	2,989	1							
Warwick	O	0	22,408	15,000	67%		62,944,000	2,809	3	Finance Committee	9 Appointed	Town Moderator, Ch BOS, Ch Fin Com	3 Years	Charter - Appoint authority	2 term limit; then 1 yr gap	11-Mar-2021
Washington	O	25	5,189	3,250	63%		8,437,000	1,626	3	Finance Committee	7	Town Moderator	3 years	Once a month		
Wartmouth	O	#N/A	762	603	79%	780	1,952,000	2,562	3							
Waverston	O	#N/A	535	416	78%	538	1,666,000	3,114	3							
Wayland	O	100	13,684	10,224	75%		73,045,000	5,338	3	Finance Committee	7 Appointed	Board of Selectmen				
Webster	O	61	16,893	10,545	62%		39,075,000	2,313	3	Finance Committee	9 Appointed/Elected	Selectmen-3, Moderator-3, Elected 3	3 Years	One per month, as needed during warrant and budcet preparation	email	1-Dec-2020
Welleslev	R	50% + 1	29,000	17,977	62%		155,303,000	5,355	1	Advisory Committee	15 Appointed	Town Moderator	3 Years			
Wellfleet	O	168	2,749	2,800	102%	3,084	20,786,000	7,561	1	Finance Committee	9 Appointed	Town Moderator	3 Years	Monthly		
Wendell	O	#N/A	870	696	80%		2,504,000	2,878	1							
Wenham	O	120	5,163	2,747	53%		17,188,000	3,329	3	Finance Committee	5 Appointed	Town Moderator, Ch BOS, Ch Fin Com			5/7/18 email	
Westborough	O	0	18,934	12,365	65%		92,226,000	4,871	3	Advisory Finance Comm	9 Appointed	Town Moderator	3 Years			
West Boylston	O	100	7,894	5,398	68%		23,350,000	2,958	3							
West Bridgewater	O	0	7,094	5,231	74%		30,581,000	4,311	3	Finance Committee	7 Appointed	Town Moderator	3 years	The committee to appoint a finance committee is appointed by the moderator and then the committee appoints the finance committee members	email	17-Nov-2020
West Brookfield	O	20	3,780	2,635	70%		7,005,000	1,853	3							
Westford	O	0	23,831	16,776	70%		104,522,000	4,386	3							
Westhampton	O	15	1,638	1,274	78%		5,569,000	3,400	1							
Westminster	O	0	7,570	5,759	76%		21,316,000	2,816	3	Advisory Board	5 Appointed	Town Moderator	3 Years		email	18-Nov-2020
West Newbury	O	90	4,541	3,482	77%		14,610,000	3,217	3	Finance Committee	6 Appointed	Board of Selectmen	3 years	One per month, as needed during warrant and budget preparation	email	12-Jan-2021
Weston	O	160	12,057	8,297	69%		48,400,000	4,014	1	Finance Committee	9 Appointed	Town Moderator	3 Years	Bylaw - FinCom/Town Clerk	Weekly Dec- April; other meetings as necessary	Gavel Line
Westport	O	0	15,814	11,999	76%		38,577,000	2,439	3		9 Appointed	Town Moderator	3 Years	Tradition - Moderator		
West Springfield	T	5	28,693	16,556	58%		86,908,000	3,029	#N/A							
West Stockbridge	O	#N/A	1,274	1,160	91%	1,306	5,005,000	3,929	1							
West Tibsurv	O	130	2,896	2,521	87%		18,401,000	6,354	1							
Westwood	O	175	16,055	11,265	70%		86,938,000	5,415	1	Finance Commission	15 Appointed	Town Moderator	3 years	Sept - Jan, Monthly; 2-3 times a month Feb-April.		
Weymouth	T	6	55,957	36,481	65%		138,606,000	2,477	#N/A							
Whately	O	0	1,518	1,174	77%	1,550	5,452,000	3,592	1	Finance Committee	7 Appointed	Town Moderator	3 Years	as needed	email	17-Nov-2020
Whitman	O	50	14,849	10,341	70%		32,250,000	2,172	3							
Wilbraham	O	50	14,638	10,422	71%		40,475,000	2,765	3							
Williamsburg	O	25	2,469	1,936	78%	2,482	7,664,000	3,104	1	Finance Committee	Elected	Elected				
Williamstown	O	0	7,620	4,762	62%	8,000	21,744,000	2,854	3	Finance Committee	9 Appointed	Town Moderator	3 years	Monthly; Twice weekly during budget		
Wilmington	O	150	23,534	16,906	72%		88,577,000	3,764	3	Finance Committee	9 Appointed	Town Moderator, Ch BOS, Ch Fin Com	3 Years	monthlv except Feb./Mar. more often		
Winchendon	O	75	10,698	6,798	63%		28,917,000	2,703	3							
Winchester	R	100	22,417	15,355	68%		105,079,000	4,687	1							
Windsor	O	0	895	667	75%		1,878,000	2,098	1	Finance Committee	5 Elected	Elected	3 Years	once a month and before special town meetings		
Winthrop	T	5	18,164	12,793	70%		49,643,000	2,733	#N/A							
Worthington	O	21	1,188	979	82%		3,497,000	2,944	3							
Wrentham	O	0	11,548	8,389	73%		42,464,000	3,677	1	Finance Committee	7 Appointed	Town Moderator	3 Years	As needed		
Yarmouth	O	0	23,467	19,068	81%		74,470,000	3,173	3	Finance Committee	9 Appointed	Town Moderator, Ch BOS, Ch Fin Com	3 Years	2x/Week (Dec- April) as needed (May - Nov.)		

Adam G. Gutbezahl

From: Berry, Dennis <dberry@wayland.ma.us>
Sent: Sunday, November 20, 2022 7:36 PM
To: Fay, Thomas; Gutbezahl, Adam
Cc: 'George Harris'
Subject: FURther Consideration

Tom and Adam,

It has just today come to my attention that the town of Rutland (OTM approx. 9,000 reg. voters) has what I think is a unique system for appointment of the Finance Committee. The applicable bylaw can be found at: <https://www.townofrutland.org/home/pages/finance-committee>

Under this bylaw, the Moderator appoints the Fin Com with the appointments ratified by the Board of Selectmen. I have not seen or heard of this before. In all of the other moderator appointed communities that I am familiar with, the moderator has the sole and complete authority to make the appointments. The Rutland procedure adds another layer of approval in that the BOS has a role in ratifying the moderator's appointments.

I AM NOT NECESSARILY ENDORSING OR SUGGESTING THIS PROCESS, JUST BRINGING IT TO YOUR ATTENTION AS A UNIQUE APPOINTMENT PROCEDURE NOT PREVIOUSLY DISCUSSED BY YOUR SUBCOMMITTEE. I RESERVE EVERY RIGHT TO SPEAK OUT AGAINST IT AFTER CONSIDERATION. This is offered in line with what I understand of intentions for your subcommittee, that is to simply lay out various options for the Select Board.

I spoke with the Rutland Moderator Randy Jordan and gave him the background about where we are in regards fin com appointment process and the activity of your subcommittee. I noted that you had spoken with 4 moderators each with a slightly different method of making fin com appointments. He said he would be happy to speak with you on a zoom call sometime after Thanksgiving.

I know that you are looking to wrap up and write your report but ask that you consider one more procedure and one more moderator discussion before you finally complete your work.

Please give this your consideration.

Thank you.

Dennis



TOWN OF WAYLAND

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WAYLAND, MASSACHUSETTS 01778

JOHN BUGBEE
ACTING TOWN MANAGER
TEL. (508) 358-3620
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SELECT BOARD

THOMAS J. FAY
ADAM G. GUTBEZAHN
CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

REPORT OF THE WAYLAND SELECT BOARD TO TOWN MEETING

To: Town Meeting
From: Select Board
Date: January __, 2023

Town Meeting Members:

Town Meeting voted during the 2022 Annual Town Meeting (“ATM”) to refer Article 20, “Appointment of Finance Committee,” to the Select Board for further study by the Select Board with a written report to Town Meeting by the 2023 ATM. Pursuant to that vote, please accept this report from the Select Board concerning the appointment process for the Wayland Finance Committee. This report provides relevant background information concerning the appointment of Wayland Finance Committee members and the formation of the Finance Committee Appointment Study Group Sub-Committee (the “Sub-Committee”). This report also offers an overview of the various appointment mechanisms utilized in the Commonwealth of Massachusetts and more specific information the Sub-Committee obtained from the Town Moderators of Bedford, Brookline, Ipswich, Marblehead, and Wenham. The report concludes with the Select Board’s recommendation concerning the appointment process for members of the Wayland Finance Committee.

I. BACKGROUND

A. The Current Wayland Finance Committee Appointment Process

The Wayland Finance Committee is presently a seven-person committee with members serving staggered three-year terms. The Select Board currently serves the appointing authority to appoint individuals to the Wayland Finance Committee, including reappointment of persons wishing to serve another term and the filling of any vacancy that may occur. Section 19-1 of the Town Code provides the basis for this appointment process:

There shall be a committee called the “Finance Committee” appointed by the Select Board as hereinafter provided. Such committee shall consist of seven registered voters who shall serve without pay and none of whom during this or her service on such Committee shall hold elective or appointive Town office having to do with the appropriation or expenditure of Town money. Members shall serve terms of three years, such that the terms of two or three members shall expire each year.

Appointment to fill unexpired terms shall be made by the Select Board as vacancies occur.

The Sub-Committee could not discern the origin of this appointment process. According to Wayland Town Moderator Dennis Berry, the language contained in Section 19-1 was originally adopted in 1935. See E-mail from Dennis Berry to Thomas Fay, et al., Nov. 14, 2022, attached hereto as **Exhibit A**.

The Select Board¹ previously retained the Edward J. Collins, Jr. Center for Public Management at the University of Massachusetts (hereinafter the “Collins Center”) to conduct a review of Wayland’s financial management structure and processes. In February 2018, the Collins Center published a report titled “Financial Management Structure Review: Town of Wayland, Massachusetts” (hereinafter the “Collins Center Report”).² The Collins Center noted that “Wayland is in a minority of towns where the Finance Committee is solely appointed by the Board of Selectmen,” and that this appointment structure results in “a bit of blurring in the branches of government in Wayland’s current budget process.” Collins Center Report, at 24. The Collins Center stated that a plurality of towns in Massachusetts “have the Finance Committee appointed by the Moderator,” and that a “small number” of towns “also have elected finance committees or hybrid committees with different members elected or appointed by different appointing authorities.” Id. The Collins Center stated further that “the Finance Committee is often viewed as being a legislative check on the executive branch.” Id. Within the “Findings and Recommendations” section of the Collins Center Report, the Collins Center recommended Wayland “[c]ontemplate whether the appointing authority of the Finance Committee should remain solely the Board of Selectmen, or whether it should be moved or made into a hybrid appointing authority.” Id. at 8.

B. Recent Proposals to Modify the Appointment Process

A petitioners’ article was included in the 2021 ATM Warrant proposing to modify the appointment process for the Wayland Finance Committee. Article 23, titled “Appointment of Finance Committee,”³ sought to amend Town Code § 19-1 to change the appointment authority from the Select Board to a new “Finance Committee Appointing Board” or “FCAB.” The FCAB would consist of two members: (1) the Town Moderator and the Chair of the Select Board. Article 23 ultimately failed to obtain the necessary majority vote after 229 Town Meeting members voted in its favor but 255 voted in opposition.⁴

¹ In 2018, the Select Board was referred to as the Board of Selectmen; however, this name formally changed upon enactment of Chapter 33 of the Acts of 2022, “An act creating Select Board-Town Manager form of government in the Town of Wayland” on or about March 16, 2022. For the sake of consistency, this report uses the term “Select Board,” which is the current name of the Board.

² This report may be accessed online via <https://www.mass.gov/doc/wayland-financial-management-structure/download>.

³ Article 23 of the 2021 ATM Warrant may be found on page 81 of the Warrant, which may be accessed online via https://www.wayland.ma.us/sites/g/files/vyhlf9231/f/pages/atm_warrant_2021_final_for_web.pdf.

⁴ Discussion of Article 23 at the 2021 ATM may be found on pages 20 through 22 of the Town of Wayland Minutes for 2021 ATM, which may be accessed online via <https://ecode360.com/WA1635/document/648328590.pdf>.

The following year, Town Moderator Dennis Berry proposed an article that was included in the 2022 ATM Warrant. Article 20, titled “Appointment of Finance Committee,”⁵ once again sought to amend Town Code § 19-1 to change the appointment authority from the Select Board to a newly formed FCAB; however, Article 20 contained two differences from Article 23 at the 2021 ATM. First, Article 20 stated the Chair of the Select Board would “serve in a personal capacity.” Second, Article 20 stated that the amendment to § 19-1 would not take effect until after “the next election of a Moderator.” During deliberation of Article 20, a motion was made, pursuant to Section IV(C)(7)(b) of the Moderator’s Rules and Regulations Governing Wayland’s Town Meetings, to refer the article to the Select Board for a further study by the Select Board with a written report to Town Meeting by ATM 2023. The motion passed with 144 Town Meeting members voting in favor and 100 members voting in opposition.⁶

C. Establishment & Work of the Sub-Committee

On August 8, 2022, the Select Board voted to establish the Sub-Committee and appoint Tom Fay and Adam Gutbezahl to serve on the Sub-Committee. The Select Board approved the following charge for the Sub-Committee:

The purpose of the Finance Committee Appointment Study Group Sub-Committee (the “Sub-Committee”) is to advise the Wayland Select Board with a recommendation for the process of appointing members of the Finance Committee.

Article 20 at the 2022 Annual Town Meeting, “Appointment of Finance Committee,” proposed a modification to the current process for appointing members to the Finance Committee. Pursuant to Section IV(C)(7)(b) of the Moderator’s Rules and Regulations Governing Wayland’s Town Meetings, Article 20 was referred to the Select Board for further study with a written report to Town Meeting by Annual Town Meeting 2023.

The Sub-Committee will report to the Select Board in order to inform the Select Board’s process of preparing and submitting a report for the 2023 Annual Town Meeting Warrant. The Sub-Committee’s report is due to the Select Board by January 31, 2023. The term end date for members of the Sub-Committee is March 1, 2023, unless extended by a Select Board.

The Sub-Committee held four meetings on September 6, September 28, October 26, and November 15, 2022. Over the course of three of these meetings, the Sub-Committee spoke with five former and current Town Moderators about their respective communities’ appointment processes and their opinions about alternative appointment methods. During the meeting held on October 26, 2022, the Sub-Committee also hosted a spirited discussion between two long-time Wayland residents – George Harris and Bill Steinberg – concerning past and future proposals to modify Wayland’s appointment mechanism.

⁵ Article 20 of the 2022 ATM Warrant may be found on page 75 of the Warrant, which may be accessed online via https://www.wayland.ma.us/sites/g/files/vyhli9231/f/uploads/2022_annual_town_meeting_warrant_with_cover.pdf.

⁶ Discussion of Article 20 at the 2022 ATM may be found on pages 34 through 37 of the Town of Wayland Minutes for 2022 ATM, which may be accessed online via <https://ecode360.com/WA1635/document/696132035.pdf>.

This report serves as an overview of the work conducted by the Sub-Committee. In the opinion of the Sub-Committee, it was not appropriate for it to provide the Select Board with a recommendation as to whether the current appointment process should be modified and, if so, in what manner it should change. Rather, the Sub-Committee wishes to provide the Select Board with an objective analysis of the information it obtained in order to allow the Select Board (not the Sub-Committee) to make the ultimate decision as to whether it wishes to report any recommendation to the 2023 Annual Town Meeting to amend Section 19-1 of the Town Code. The Sub-Committee hopes the following information will assist the Select Board in that forthcoming discussion and decision.

II. FINANCE COMMITTEE APPOINTMENT MECHANISMS

A. Overview of Various Appointment Mechanisms

Wayland Town Moderator Dennis Berry provided the Sub-Committee with the results of a survey conducted by the Massachusetts Moderators Association concerning the structure and appointment mechanisms for Finance Committees throughout the Commonwealth. The relevant portion of these survey results are attached hereto as **Exhibit B**. The survey listed information for 307 (or 87.5%) of the 351 municipalities in Massachusetts. Of these 307 municipalities, the survey provided information for a total of 149 towns and cities (or 42.5% of all municipalities in Massachusetts).

The survey results demonstrated varying selection processes are used throughout the Commonwealth; however, the majority of municipalities (87 in total) appoint the Finance Committee members by and through their Town Moderator. Seventeen communities, including Wayland, appoint members to their Finance Committee through the Select Board. At least three communities have both the Town Moderator and Select Board appoint a set number of Finance Committee members.⁷ A number of communities use a separate board of committee to appoint Finance Committee members, and these boards/committees typically include the Town Moderator, a member of the Select Board, and a third individual (often from the municipalities' Finance Committee). A handful of communities both elect and appoint members to the Finance Committee.

Wayland Town Moderator Dennis Berry also provided the Sub-Committee with information concerning the appointment process used by the Town of Rutland – a municipality for whom information was not supplied in the survey. In Rutland, the Moderator appoints members to the Finance Committee; however, these appointments are subject to ratification by the Select Board. *See E-mail from Dennis Berry to Thomas Fay, et al., Nov. 20, 2022, attached hereto as **Exhibit C**.*

The Sub-Committee notes that, to its knowledge, no municipality in the Commonwealth of Massachusetts utilizes the appointment mechanism proposed at the 2021 and 2022 ATM (i.e., a two-member committee consisting of the Moderator and Chair of the Select Board). The following tables provide an overview of the various appointment structures identified in the survey results:

⁷ For example, in Lynnfield, the Moderator appoints six members and the Select Board appoints five members. As another example, in Manchester-by-the-Sea, the Moderator appoints three members and the Select Board appoints four members.

Open Town Meeting Selection Processes

Appointed or Elected	Appointing Authority	Total Municipalities
Appointed	Moderator	73
	Select Board	17
	Moderator, Select Board Chair, and Finance Committee Chair	9
	Set number by Moderator and set number by Select Board	3
	Set number each by Moderator, Select Board, and Finance Committee	2
	Moderator, Select Board Member, and Finance Committee Member	2
	Moderator, Select Board Chair, and Past Finance Committee Chair	1
	Moderator, Finance Committee Chair, and Finance Director	1
	Moderator, Select Board Chair, and Town Clerk	1
	Select Board, School Department, and Assessors	1
	Moderator, Select Board Chair, and Trust Fund Commission Chair	1
Appointed / Elected	One-third appointed by Moderator, one-third appointed by Select Board, and one-third elected	2
	Four members appointed by Moderator and three members elected	1
	Moderator appoints Nominating Committee and members then elected	1
Elected	N/A	17

Representative Town Meeting Selection Processes

Appointed or Elected	Appointing Authority	Total Municipalities
Appointed	Moderator	15
Appointed / Elected	Nine members appointed by Moderator and eight members elected	1
Elected	N/A	2

B. Town Moderators' Perspectives on Appointment Mechanisms

In order to obtain more specific information about these various appointment mechanisms, the Sub-Committee spoke with five current and former Moderators. Each Moderator with whom the Sub-Committee communicated came from municipalities using different appointment procedures. These different methods included: (1) appointment solely by the Moderator (i.e., Brookline); (2) appointment solely by the Select Board (i.e., Marblehead); (3) appointment by a

committee consisting of the Moderator, Select Board Chair, and Finance Committee Chair (i.e., Bedford and Wenham); and (4) trifurcated selection with appointment of some members by the Moderator and some members by the Select Board, as well as election of other members (i.e., Ipswich). The following provides an overview of the information obtained from the Sub-Committee through these discussions.

1. Bedford (i.e., Appointing Committee)

On November 15, 2022, the Sub-Committee met with Mark Siegenthaler, the Town Moderator for the Town of Bedford. Mr. Siegenthaler was elected as Interim Town Moderator in the Fall of 2021 and was elected as Moderator in March 2022. The Moderator in Bedford serves a three-year term. Prior to serving as Moderator, Mr. Siegenthaler served on the Planning Board for eight years and as a member of the Board of Selectmen for 21 years. Mr. Siegenthaler has lived in Bedford for 40 years and does not recall Bedford having a contested election for Moderator while living there. Mr. Siegenthaler stated Bedford has a population of about 14,000, has an Open Town Meeting form a government, and that its Finance Committee has nine members.

Bedford appoints members to its Finance Committee through the Finance Committee Appointing Authority (the “FCAA”). The Chair of the Board of Selectmen, the Chair of the Finance Committee, and the Moderator all serve on the FCAA.⁸ The FCAA requires a unanimous vote in order for a person to be appointed to the Finance Committee. Mr. Siegenthaler stated this was a “unique structure,” and stated further, “I’m not sure I would recommend it.” Mr. Siegenthaler told the Sub-Committee about the FCAA’s experience in the Summer of 2022 and the attempt to fill two vacancies on the Bedford Finance Committee. The FCAA interviewed six or seven applicants; however, the FCAA failed to successfully appoint anyone for a significant period of time because the FCAA could not unanimously agree on any of the applicants. Mr. Siegenthaler also noted that the Chair of the Finance Committee serves in that position until he or she is replaced. According to Mr. Siegenthaler, this poses a potential issue because the Chair of the Finance Committee, as a member of the FCAA, ultimately participates in the decision as to whether or not he or she should be replaced.

Mr. Siegenthaler told the Sub-Committee that Bedford, as a community, has not considered a change to the appointment procedure. According to Mr. Siegenthaler, residents in Bedford do not seem to be concerned with the present structure. He believed, however, that there would be pushback to the suggestion that the Moderator become the only person to appoint individuals to the Finance Committee. He thought that the only change the FCAA may consider would be changing the quantum of vote to a majority vote (instead of unanimous) to appoint a person to the Finance Committee.

Mr. Siegenthaler believed that having the Chair of the Finance Committee “does allow someone to ask questions about a person’s experience and their interest in light of how the Finance Committee operates and what the current Chair things is a value additive.” The oddity with the FCAA, however, is that the Chair simultaneously serves on the FCAA and potentially requests that same board to reappoint him or her to another term. Mr. Siegenthaler suggested some mechanism be implemented to prevent this potential conflict. Mr. Siegenthaler also noted that an argument could be made that the School Committee should participate in the appointment process

⁸ According to Mr. Siegenthaler, Bedford’s Charter and Bylaws prohibit an Interim Moderator from participating in the FCAA appointment process.

in some way, and that perhaps this could be accomplished by having the Chair of the School Committee consult the Finance Committee as part of the appointment process.

2. Brookline (i.e., Appointed Solely by Moderator)

On September 28, 2022, the Sub-Committee met with Sandy Gadsby, the former Town Moderator for Brookline. Mr. Gadsby served as Brookline's Moderator for 27 years until he decided not to run for reelection in 2021. Mr. Gadsby won the seat in a contested election when he initially ran for Moderator and then went unopposed for the remainder of his tenure. Mr. Gadsby also served as a member of Brookline's Finance Committee for 12 years. The Brookline Finance Committee consists of a minimum of 20 and a maximum of 30 members. Brookline has a population of more than 50,000 and utilizes a Representative Town Meeting form of government.

The Moderator appoints members to the Brookline Finance Committee. Mr. Gadsby stated that the "tradition" in Brookline is to appoint new members to a one-year term and to reappoint members to either two- or three-year terms. The duration of the reappointment is done for the purpose of ensuring that one-third of committee members have their terms expire at the same time so that the composition of the committee serves staggered terms.

Since the appointment by just one person meant the selection process was not subject to the Open Meeting Law, the Sub-Committee asked Mr. Gadsby how Brookline handled concerns about transparency. Mr. Gadsby stated, "I thought it was my providence and if they didn't like it they could change the appointment process." Mr. Gadsby stated further that he came into increasing criticism to disclose his selection criteria and answer to Town Meeting members about the appointment process. In response, Mr. Gadsby created an advisory committee to assist in the process; however, this "sort of prompted my saying goodbye to" serving as Moderator. Mr. Gadsby told the Sub-Committee that there have been movements in Brookline to change the composition of the Finance Committee, but never the appointment method.

The Sub-Committee asked Mr. Gadsby for his opinion on a potential two-person appointing authority comprised of the Moderator and the Chair of the Select Board. Mr. Gadsby said he would oppose any involvement by the Select Board in the appointment process and could only endorse a process through which the Moderator has sole appointment authority. Mr. Gadsby stated that the Finance Committee's principal role is to advise Town Meeting. In Mr. Gadsby's opinion, Select Board participation in the appointment process was anathema and contrary to proper divisions of government. Mr. Gadsby said further that he thought it was "a terrible idea" to have Town Meeting elect members to the Finance Committee.

3. Ipswich (i.e., Appointed and Elected)

On September 28, 2022, the Sub-Committee met with Thomas Murphy, the Town Moderator for Ipswich. The Ipswich Finance Committee consists of nine members. Ipswich has approximately 15,000 residents and 11,000 registered voters. Ipswich utilizes an Open Town Meeting form of government.

Historically, the Moderator appointed members to the Ipswich Finance Committee; however, Ipswich revised its Charter in the 1960s to establish its current appointment procedure. Presently, three members of the Finance Committee are appointed by the Moderator, three

members are appointed by the Select Board, and three members are elected at ATM. The seats are staggered so that each appointing authority appoints or elects one person each year. Mr. Murphy stated that the first article of every ATM Warrant is to elect a person to the Finance Committee. Mr. Murphy said there was previously a Citizen's Petition to change this appointment process to having all nine members appointed by ATM. A motion ultimately was made to study the issue; however, the result was for Ipswich to take no action on the petition.

Mr. Murphy stated that he "always been troubled" by this appointment structure and that, in his opinion, the Finance Committee becomes a "self-appointing body" because the same people consistently end up being reappointed. Mr. Murphy opined that he believes the best appointment process is having the Moderator appoint all nine members. When asked to address the concerns raised about a lack of transparency with this method, Mr. Murphy stated, "I think that transparency these days is way overrated," and that if ATM does not like who he appoints to the Finance Committee, then ATM can elect another person as Moderator. Mr. Murphy analogized having the Select Board appointing individuals to the Finance Committee to "having the fox guard the chicken coop."

4. Marblehead (i.e., Appointed Solely by Select Board)

On October 26, 2022, the Sub-Committee met with Jack Attridge, the Town Moderator for the Town of Marblehead. Mr. Attridge was elected as Moderator in 2022 and was previously appointed to several municipal organizations. Mr. Attridge stated he has regularly attended Town Meeting in Marblehead for 40 years. Mr. Attridge stated that in his 40 years participating in municipal government, there were just two moderators serving Marblehead before he was elected, and he recalled two contested elections for the position during that time. The Marblehead Finance Committee has nine members, with members serving staggered three-year terms. Mr. Attridge stated that Marblehead has about 25,000 residents and 16,729 registered voters. Marblehead as an Open Town Meeting form of government.

The Marblehead Select Board appoints people to the Finance Committee on an annual basis as terms end. Mr. Attridge stated there have not been discussions in Marblehead about changing this process. He noted, however, that he was "very intrigued" with pursuing changes to the appointment methods. Mr. Attridge said he liked the idea of having the appointment authority being taken away from just one board in the executive branch (i.e., the Select Board). Mr. Attridge believed that a committee consisting of three members would be the best way to appoint individuals to the Finance Committee; however, he was not sure who those three individuals should be.

5. Wenham (i.e., Appointing Committee)

On October 26, 2022, the Sub-Committee met with Roger Smerage, the Town Moderator for the Town of Wenham. Mr. Smerage was elected as Moderator in 2021. Mr. Smerage also served on a committee studying the potential expansion of the Wenham Select Board from three to five members. Mr. Smerage stated he was aware of just one contested election for Moderator, which occurred to replace the outgoing Moderator who served for almost 40 years. The Wenham Finance Committee is a five-member committee. Members serve three-year terms, and a two-term limit is imposed for members. Mr. Smerage stated that Wenham has a population of a little over

5,000 with approximately 3,000 registered voters. Wenham has an Open Town Meeting form of government.

Wenham appoints members to its finance committee through the Finance Committee Appointing Committee (“the “FCAC”). The Chair of the Select Board, the Chair of the Finance Committee, and the Moderator all serve on the FCAC. A simple majority vote is needed for an individual to be appointed to the Finance Committee. Mr. Smerage stated the FCAC has engaged in robust discussion and debate about potential candidates. Mr. Smerage characterized the FCAC as “a very good process.” He described it as “deliberative” and “collegial,” and that this framework invites discussion and debate between the branches of government.

Mr. Smerage stated there have not been discussions in Wenham about changing the appointment method. Mr. Smerage noted that, historically, the Moderator possessed sole authority to appoint people to Finance Committees and acknowledged that the vast majority of communities in Massachusetts maintain that model. Mr. Smerage stated that he sees issues with having the Select Board solely responsible for appointment to the Finance Committee because the role of the Finance Committee is to advise the legislature (i.e., Town Meeting).

The Sub-Committee asked Mr. Smerage for his thoughts about a potential two-person appointing authority comprised of the Moderator and the Chair of the Select Board. Mr. Smerage opined that this proposal was “a recipe for disaster” and was “just inviting deadlock.” Mr. Smerage believed having a three-person appointing committee is appropriate, and that the Chair of the Finance Committee is the logical choice for the third seat.

III. RECOMMENDATIONS

[TO BE COMPLETED FOLLOWING DELIBERATION BY THE SELECT BOARD]



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MINUTES SELECT BOARD FINANCE COMMITTEE APPOINTMENT STUDY GROUP SUB-COMMITTEE

TUESDAY, November 15, 2022

7:00 p.m.

**Wayland Town Building; ZOOM; FULLY REMOTE
41 Cochituate Road, Wayland, MA**

Present and participating remotely: Thomas J. Fay and Adam G. Gutbezahl

Call to order, review agenda for public: T. Fay called the meeting to order at 7:03 p.m. The agenda was reviewed.

Review, discuss and potential vote regarding process relative to Finance Committee appointments; potential materials that would be helpful for the subcommittee to consider; most important factors for effective municipal Finance Committee appointments; and history of appointment process relative to Wayland's Finance Committee:

The meeting commenced with a welcome to Mark Siegenthaler, Bedford's Town moderator. Siegenthaler explained that Bedford does have a three-person committee that chooses finance committee members. A unanimous vote is required by its three members, the Select Board chair, the town moderator and the chair of the Finance Committee. Bedford's Finance Committee has nine members. Bedford's population is approximately 14,000, similar to Wayland's. Bedford does utilize a questionnaire to be filled out by individuals who are interested in appointment and re-appointment to its Finance Committee. One factor of appointees is their knowledge of how town government works.

Siegenthaler was asked whether a unanimous vote to appointment finance committee members is as effective as a majority vote. He indicated that, in his view, a majority vote would be just as effective. In fact, Siegenthaler mentioned his preference would be to modify the number of votes needed to approve finance committee candidates, from unanimous to majority. Siegenthaler does not support the town moderator being the sole appointing authority for members of the finance committee. Siegenthaler supports the finance committee chair being involved in the process of appointing finance committee members because he or she is aware of the needs of the finance committee, including particular needs of the committee and the importance of diversity.

Siegenthaler mentioned that during a recent Massachusetts moderators meeting, the topic of appointing finance committee members was discussed. These are a variety of processes in existence throughout the state on this appointment process. He noted that Bedford was the only town that required a unanimous vote to appointment finance committee members.

Next, T. Fay and A Gutbezahl thanked Mr. Siegenthaler for his input.

A. Gutbezahl and T. Fay then discussed the importance of Wayland's town history relative to appointment of finance committee members. Both agreed it was not critical to obtain this information though T. Fay indicated he would reach out to Wayland resident, George Harris, who may have obtained some information on the process's history.

Establishment of sub-committee's next meeting: A. Gutbezahl and T. Fay discussed a further meeting date. The subcommittee agreed to set a date at a later time.

Adjourn: At approximately 8:08 p.m., T. Fay moved to adjourn the meeting. A. Gutbezahl seconded the motion. A rollcall vote was taken. A. Gutbezahl and T. Fay each voted yes. The motion was passed unanimously. Thus, the meeting was adjourned at approximately 8:08 p.m.